

MIAMI TOWNSHIP BOARD OF TRUSTEES

June 21, 2016

The Miami Township Board of Trustees met in regular session on Tuesday, June 21, 2016 at 7:00 p.m. Trustee Schultz called the meeting to order. Jacob Jaeger and Jack Carroll led the Pledge of Allegiance. The invocation was given by Ken Tracy. Fiscal Officer, Eric C. Ferry, called the roll. Attending were Trustees Ken Tracy, Mary Makley Wolff, and Karl Schultz.

Approval of Minutes: Mrs. Wolff made a motion to approve the minutes of the May 17, 2016, Board of Trustees Business Meeting and the May 24, 2016, Board of Trustees Work Session as presented, seconded by Mr. Tracy. Upon roll call, all voted “AYE.”

Communications: None.

Proclamations and Special Presentations: Senator Joe Uecker provided a legislative update on SB 413. The Bill allows townships to hold executive sessions to consider the sale and disposition of unneeded, obsolete, or unfit for use property. In addition, the minimum population size for a township to adopt a limited home rule form of government was decreased from 3,500 to 2,500. Another provision allows a township to provide recycling services and levy a charge against those receiving the service. It allows a township to levy a tax inside the 10 mill limit for the provision of police, fire and rescue services, and expands the current authority to levy a tax on the type of equipment. It expands the township’s authority to pay for group life insurance for both full and part-time employees. There is a clause to allow tax increment financing for the maintenance of public roads and highways within the township and other public infrastructure improvements. It allows a township to use the proceeds for the sale of cemetery lots for the purpose of improving entombments. The time frame for parties who chose to request a hearing to remove, repair, or secure dangerous buildings or other structures before the board of trustees was reduced from 30 days to 20 days. The Bill allows urban township board of trustees to acquire properties by eminent domain for the purpose of providing off-street parking, which as written will only apply to one or two townships in Ohio.

Mrs. Wolff asked if there was movement to restore or adjust the Local Government Fund (LGF). Senator Uecker said that he would not vote for another budget that would infringe on the LGF. He stated that more grants are being brought to the forefront and it would be a struggle to loosen up those dollars. He added that the Rainy Day Fund went from \$0.89 to \$2.5 billion, which equates to 16 days of operating costs for the state government. Therefore, the legislature will continue to build this fund. He explained that tax reforms have brought manufacturing businesses back to Ohio and felt the legislature would continue to concentrate on regulatory reforms. He noted that he was working on legislation to get the state to take ownership of its responsibilities for the cost of indigent defense, rather than sending the bill to the county, which takes away from the county’s ability to help the townships.

A proclamation was presented to Cecil Ammerman in honor of his 100th birthday on July 12.

Eagle Scout Jack Carroll announced that he, along with the help from several family members, completed a one-day landscaping project behind the Civic Center, including the addition of a bench and bird bath. Mr. Tracy complimented Mr. Carroll for a job well done. Mrs. Wolff said the ambiance downstairs was greatly improved by this project. The area looks beautiful and the seniors love it. The Trustees thanked Mr. Carroll

Eagle Scout Jacob Jaeger noted that he renovated a trail at Paxton Ramsey Park by widening and leveling the path. In addition, the creek wall was repaired and drainage was added to ensure that the damage didn’t reoccur. The project took 180 hours and volunteers included a boy scout troop and some friends. Mr. Schultz said that Miami Township was blessed to have so many wonderful people who make it a better place to live.

Mr. Tracy said this was a perfect example of how you can make a difference in a lot of people’s lives and in the community. On behalf of Miami Township, Mr. Schultz thanked Mr. Carroll and Mr. Jaeger.

2017 Preliminary Tax Budget Hearing: Mr. Wright explained that the Township is required by state law to adopt and deliver a preliminary tax budget to Clermont County by July 20 each year, noting that the operating budget would be developed later this year. Mr. Wright confirmed that the public hearing was duly advertised. He noted that Mr. Ferry has reviewed and previously provided some modifications to the tax budget. Mr. Wright recommended that the tax budget be approved.

There being no public comments, Mr. Tracy moved to adopt the 2017 preliminary tax budget, seconded by Mrs. Wolff with all voting “AYE.”

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Department Reports: A representative of each department presented a report of activities during the month of May 2016.

Community Development	Mr. Elliff
Finance	Mr. Ferry
Fire/EMS	Chief Kelly
Police	Chief Madsen
Recreation	Ms. Thibodeau
Service	Mr. Musselman
Administration	Mr. Wright

Mr. Wright noted that the August business meeting will begin at 6:30 p.m. to help the D.A.R.E. program celebrate its 25th anniversary.

Old Business: None

New Business: Mr. Tracy moved to pay the bills of the Township with 234 checks, numbered 124267-124501, and 10 electronic checks, numbered 768-778, for the total amount of \$1,477,535.60; plus payroll and payroll taxes for 5/21/2016 in the amount of \$389,299.34; and payroll and payroll taxes for 6/4/2016 in the amount of \$401,635.57, seconded by Mrs. Wolff with all voting “AYE.”

Mr. Wright advised the Board of the need for a Then and Now Certificate in the amount of \$163,982.96.

Mrs. Wolff moved to adopt **Resolution 2016-32** authorizing the Township Fiscal Officer to issue and certify a Then and Now Certificate for the payment of various expenditures totaling \$163,982.96 and to dispense with the second reading, seconded by Mr. Tracy with all voting “AYE”.

Mr. Wright presented the following personnel actions: removal of Brian Elliff from probation effective May 27, 2016; removal of John Musselman from probation effective June 1, 2016; and the hiring of Rachel Ball as a part-temporary multimedia coordinator.

Mrs. Wolff moved to hire Rachael Ball as a part-time temporary multimedia coordinator, contingent upon background check, effective June 27, 2016, at the rate of \$10 per hour, not to exceed 20 hours per week, seconded by Mr. Schultz with all voting “AYE.”

Mr. Tracy moved to remove Brian Elliff from probation effective May 27, 2016, and to remove John Musselman from probation effective June 1, 2016, seconded by Mrs. Wolff with all voting “AYE.”

Mr. Wright recommended the Board accept the resignation of Officer Steven Pielage effective June 14, 2016. Mr. Wright thanked Officer Pielage for his service to the Township over the last year.

Mrs. Wolff moved to accept the resignation of Officer Pielage effective June 14, 2016, seconded by Mr. Schultz with all voting “AYE.”

Mr. Wright recommended that the following eight part-time firefighters/medics be released from their one-year probationary period effective June 19, 2016: Andrew Browning, Jonathan Furbush, Benjamin Geiger, Timothy Harrison, Daniel Lohbeck, Maria Lorenz, Stephanie McMahon, and Scott Ray; and authorize their firefighter 2/medic base rate of pay at \$16.18 per hour, with a daytime differential of \$20.39 and nighttime differential of \$17.51. Mr. Wright also recommended that a conditional offer of employment be extended to Steven Mauter for the position of volunteer firefighter/EMT. He noted that there was no formal compensation for this position other than uniforms, equipment, and sponsored training privileges from the department.

Mr. Tracy moved to release Andrew Browning, Jonathan Furbush, Benjamin Geiger, Timothy Harrison, Daniel Lohbeck, Maria Lorenz, Stephanie McMahon, and Scott Ray from their one-year probationary period effective June 19, 2016, and authorize their firefighter 2/medic base rate of pay at \$16.18 per hour, with a daytime differential of \$20.39 and nighttime differential of \$17.51; and extend and offer of a conditional offer of employment to Steven Mauter for the position of volunteer firefighter/EMT, seconded by Mrs. Wolf with all voting “AYE.”

Mr. Wright noted that Governor Kasich recently signed HB 523 legalizing medical marijuana in the state of Ohio beginning in early September. The state legislature has determined that the decision to prohibit or regulate medical marijuana business locations should be up to local governments. He noted that the Ohio Revised Code was revised as follows: “nothing in this section prohibits a township zoning

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commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.”

Mr. Schultz asked Mr. Wright to explain what the amendment would include. Mr. Wright said this was the first step to initiate a proposed text amendment. The legislation will go to the Planning and Zoning Director who will advertise a public hearing before the township zoning commission. The Commission will consider the impacts that these unknown entities could have in communities in Ohio and will give a recommendation of a zone change text amendment back to the Board of Trustees who will hold a public hearing to determine if these businesses will be permitted in Miami Township.

Mr. Schultz asked how long the entire process would take. Mr. Wright replied that it was a three to four month process. Mr. Schultz and Mrs. Wolff thanked Senator Uecker for voting against the legislation.

Mr. Schultz moved to adopt **Resolution 2016-33** initiating the process to amend zone resolution Section 25.01C to include the prohibition of marijuana cultivators, processors, and retail dispensaries within all districts, seconded by Mrs. Wolff with all voting “AYE.”

Mr. Wright reported that the police and fire and EMS departments are in possession of miscellaneous surplus equipment that is no longer necessary for its operation or the items are obsolete. A list of the surplus equipment was shown in Exhibit A of Resolution 2016-34. He recommended the surplus property be disposed of by auction pursuant to Section 505-10 of the Ohio Revised Code. If no qualified bidders are found within 30 days, the Service Director, Administrator, or Chiefs will be authorized to dispose of the equipment by destruction or other means.

Mrs. Wolff moved to adopt **Resolution 2016-34** authorizing the disposal of surplus property and authorizing the sale, discard, or salvage of certain unneeded or obsolescent personal property no longer necessary for Township use pursuant to Section 505-10 of the Ohio Revised Code and dispensing with the second reading, seconded by Mr. Tracy with all voting “AYE.”

Mr. Wright added that the Miami Township Police Department is in possession of a 2008 Harley Davidson Police Electro Glide motorcycle, which is no longer necessary for the Township’s police operations. The Green County Sheriff’s office has expressed an interest in pursuing the acquisition of the motorcycle with the police equipment for \$10,000. Chief Madsen noted that the Township approached other agencies that could utilize the motorcycle with all of the markings on it and police equipment. She noted that the motorcycle could not be put on an internet auction with all of the equipment on it.

Mr. Tracy moved to adopt **Resolution 2016-35** to dispense of surplus equipment and authorizing the sale of surplus equipment to another political subdivision and to dispense with the second reading, seconded by Mrs. Wolff with all voting “AYE.”

Mr. Wright proposed donating used Tasers to the Village of Amsterdam, Ohio, Police Department. The Amsterdam Police Department expressed interest in purchasing three X27 Tasers and the associated accessories. Due to their limited resources, the Village of Amsterdam has requested that the Tasers be donated. The Tasers are obsolete and no longer needed by the Miami Township Police Department. Mr. Wright noted that the Township recently upgraded its Tasers to a higher level system.

Mrs. Wolf wanted to know the original cost of the Tasers. She stated that the Township has a responsibility to recoup some funds through auctions. Chief Madsen explained that Tasers could not be sold on the internet auction site. The Village of Amsterdam utilized a law enforcement safety site to request the donation of Tasers. Because they are an older model Taser, no other agency wants them. She noted that the Township has been trying to sell the Tasers for the past five years.

Mr. Schultz asked Chief Madsen to explain the features gained by the upgraded Tasers. Chief Madsen explained that the older Tasers didn’t keep the level of energy once deployed. Whereas, the new Tasers will keep their voltage consistency when deployed, making them more reliable.

Mrs. Wolf asked if it was ethical to sell the old Tasers that are not as reliable as the new models and asked if the Township would be opening itself up to liability issues. Mr. Braun said that the liability would flow to the Village of Amsterdam who would be taking on the maintenance costs and training that would be associated with the Tasers. He added that updating a Taser usually costs more than the replacement cost. Mr. Braun felt the Township was shedding a liability by dispensing of the old Tasers. Mrs. Wolff pointed out that another option would be to destroy the equipment.

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Mr. Tracy said that Chief Madsen would not be making this recommendation if she felt that the equipment could cause harm to another law enforcement officer.

Mr. Tracy moved to adopt **Resolution 2016-36** to dispense of surplus equipment and authorizing the sale of surplus equipment to another political subdivision and to dispense with the second reading, seconded by Mrs. Wolf with all voting "AYE."

Mr. Wright request approval to send Chief Kelly and Lieutenant David Jetter to the Annual Ohio Fire and Rescue Officer Development Conference held July 14 – 18 in Columbus, Ohio, with costs not to exceed \$2,070 for both individuals.

Mr. Tracy moved to approve the out of town travel request for Chief Steve Kelly and Lieutenant David Jetter to attend the Annual Ohio Fire and Rescue Officer Development Conference from July 14 through July 18 in Columbus, Ohio, at a cost not to exceed \$2,070, seconded by Mrs. Wolff with all voting "AYE."

Mr. Wright noted that Detectives Terry Eshman and Dan Tobias are requesting permission to attend the Southern Police Institute Homicide Investigation Course which is scheduled for January 23, 2017, through February 3, 2017, in Louisville, Kentucky, as a cost not to exceed \$4,750 for both detectives.

Mrs. Wolf moved to approve the out of town travel request for Detectives Terry Eshman and Dan Tobias to attend the Southern Police Institute Homicide Investigation Course scheduled for January 23, 2017, through February 3, 2017, in Louisville, Kentucky, as a cost not to exceed \$4,750, seconded by Mr. Tracy with all voting "AYE."

Mr. Wright explained that in 2008 the Ohio Supreme Court ruled that local governments, such as Miami Township, were not permitted to prohibit the possession of a concealed firearm in a park when a person has a valid state license to do so. This issue was brought to light when a gun rights advocate reviewed and questioned the Township's existing park rules. The Ohio Revised Code does make it unlawful for an individual to discharge a firearm within a public park and certain closed buildings, areas within parks may be designated as locations in which concealed firearms may be prohibited.

Mr. Braun stated that the adoption of this resolution would bring the Township's park rules in compliance with Ohio Supreme Court's decision, as well as numerous acts of the Ohio legislature and United States Supreme Court.

Mrs. Wolff moved to adopt **Resolution 2016-37** amending the Township's bylaws and rules for park government and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE."

Mr. Wright advised the Board that Energy Alliances', the Township's electric aggregation broker, informed him that pricing for electric supply will be changing due to the supplier's capacity performance, which will allow them to invest more in their infrastructure. Mr. Wright suggested that the new rate be amortized resulting in a rate decrease. The current rate is 5.79 cents per kWh and would decrease to 5.69 cents per kWh, which translates into a 15% savings over the current rate Duke Energy Ohio Residential customers pay.

Mrs. Wolff moved to amend the agreement with Dynegy Energy Services for changes to electric rates resulting from capacity performance increases, seconded by Mr. Tracy with all voting "AYE."

Mr. Wright asked the Board to renew the White Farms, Section 3C, lighting district, within the White Gate Subdivision.

Mr. Tracy moved to adopt Resolution 2016-38 providing for the procurement of a street lighting system and to dispense with the second reading, and declaring an emergency for White Farm, Section 3C, seconded by Mrs. Wolf with all voting "AYE."

Mr. Wright reported that \$75,000 was budgeted to repave a portion of the Riverview Park parking lot. He recommended that the bid be awarded to the John R. Jurgensen Company who submitted the lowest bid in the amount of \$68,375.50.

Mrs. Wolff moved to award the bid to repave a portion of the Miami Riverview Park parking lot to John R. Jurgensen at a cost not to exceed \$68,375.50, seconded by Mr. Tracy with all voting "AYE."

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Mr. Wright proposed that the 2016 Road Resurfacing Program be awarded to the lowest bidder, John R. Jurgensen, whose base bid and both alternates were lower than the engineer's estimate and budgeted amount. The base bid estimate was \$435,000 and the low bid for the base amount was \$345,300. The first and second priority also came in below the estimated cost. Mr. Wright pointed out that the Township purchased less salt this year due to a favorably warm winter and he also expected the township to end the fiscal year with less expenditures from the large diameter storm water pipe line item. Mr. Wright recommended the Board award the base bid and both priority alternates to John R. Jurgensen. Mr. Wright noted that the first and second priority alternates did not include the reclamite

application. He requested that an additional \$45,000 be spent as a separate contract with Pavement Technologies who is on the state of Ohio bid program. Therefore, the project would not have to be bid.

Mrs. Wolff moved to award the 2016 Annual Street Repaving Program, including first and second priority alternates, bid to the John R. Jurgensen Company in an amount not to exceed \$415,002.43, seconded by Mr. Tracy with all voting "AYE."

Mrs. Wolff moved to approve a contract with Pavement Technologies using the State of Ohio Public Purchasing Program for reclamite to be added to the streets bid as alternates to the 2016 Annual Street Repaving Program in an amount not to exceed \$45,000, seconded by Mr. Tracy with all voting "AYE."

Mr. Musselman explained that the reclamite is rejuvenating oil that is added to the asphalt and can add up to seven years to the life of the asphalt.

Mr. Wright commended Chief Kelly and Assistant Chief Mack on securing grant funds from the Ohio Development Services Agency's Local Government Safety Capital Grant Program in the amount of \$54,000 to purchase a pediatric and adult human patient simulator to train local and area paramedics on life saving skills. Chief Kelly noted that the mannequins can be purchased through the GSA government pricing contract, which will not require a bidding process. He noted that the funds must be initially expended by the Township then the Ohio Development Services Agency will reimburse the Township for the purchase. Mr. Wright noted that in addition to the grant funds, the Fire and EMS department has received generous donations in the name of the Natalie Fossier Memorial that will be used toward the purchase as well.

Mrs. Wolff recommended that the Fossier family be invited to see the new equipment and include a ceremony to honor Natalie's memory. She also suggested that a plaque be erected in Natalie's memory. Chief Kelly concurred. Mr. Schultz suggested that representatives from surrounding fire and EMS departments be invited to the ceremony.

Mrs. Wolff moved to authorize the purchase of a human patient simulator in an amount not to exceed \$108,000, seconded by Mr. Tracy with all voting "AYE."

Mr. Wright identified three additional capital purchases that required the Board's approval: a field reporting computer purchase in the amount of \$3,190; the purchase of 29 fire helmets, and a piece of fitness equipment for the Fiscal Fitness Assessment and Training Program called the Jackson Strength Evaluation System.

Mr. Tracy moved to approve the expenditure of \$3,190 for an EMS field reporting G-tech laptop as part of the annual computer replacement program, seconded by Mrs. Wolff with all voting "AYE."

Mrs. Wolff moved to approve the expenditure of up to \$10,498 for the 2016 Fire Helmet Replacement Project, seconded by Mr. Tracy with all voting "AYE."

Mr. Tracy moved to approve the purchase of physical fitness and training equipment from Lafayette Equipment Instruments in an amount not to exceed \$5,200, seconded by Mrs. Wolff with all voting "AYE."

Mr. Wright noted that the Ohio Revised Code authorizes the Township to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land within the Township if the conditions constitute a nuisance. Once the Board declares the property list as public nuisances, the Township will contract with a private landscaping company to cut the grass or take care of other measures needed to bring the property into compliance. The resolution also allows the Township to attach liens to those properties to recoup the expenses incurred by the Township.

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Mrs. Wolff moved to adopt **Resolution 2016-39** to authorize the abatement, control, or removal of vegetation, garbage, rubbish, or debris for the properties identified in the attached Exhibit A, seconded by Mr. Tracy with all voting “AYE.”

Mr. Wright noted that the Clermont County Auditor’s office recently contacted assistant Fiscal Officer Bill Taphorn to advise the Township that three minor housekeeping revisions needed to be made to the 2016 Appropriations Resolution. This is necessary to secure the Township’s certification of resources from the County. The following changes were recommended: Fund 2070 to \$460,871; Fund 2010 to \$55,700; and Fund 6080 to \$1,075,856.

Mr. Tracy moved to adopt Resolution 2016-40 to amend the Township’s Annual Appropriations, seconded by Mrs. Wolf with all voting “AYE.”

Public Comment: Ms. Lauren Fisher requested contact information for Cecil Ammerman. Mr. Tracy asked Ms. Fisher to see Mr. Wright after the meeting to get that information.

Executive Session: Mr. Tracy moved to adjourn to executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or negotiations with other political subdivisions respecting requests for economic development assistance with is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project pursuant to Section 121.22 (G)(8) of the Ohio Revised Code, seconded by Mrs. Wolf with all voting “AYE.”

Mr. Tracy moved to reconvene in regular session, seconded by Mrs. Wolf with all voting “AYE.”

With no further business to come before the Board the meeting was adjourned at 9:48 p.m.

ATTEST: _____
Eric C. Ferry, Fiscal Officer

Karl Schultz, Chairman